

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FIELDTURF USA, INC., ET AL.)	
)	CASE NO.: 1:06CV2624
Plaintiffs,)	
)	Judge Patricia A. Gaughan
v.)	
)	<u>FIELDTURF'S MOTION FOR</u>
SPORTS CONSTRUCTION GROUP,)	<u>LEAVE TO FILE LATE BY 72</u>
LLC, ET AL.)	<u>MINUTES DOC. NO. 96</u>
)	
Defendants.)	

Plaintiffs FieldTurf USA, Inc. and FieldTurf Tarkett Inc. (collectively "FieldTurf") move this Court to accept FieldTurf's Opposition to Defendant's Motion for Protective Order ("Opposition"). The Motion was filed 72 minutes late. For the reasons stated below, FieldTurf respectfully requests that this Court accept the late-filed Opposition.

The deadline to file the Opposition was September 27, 2007. During filing computer hardware problems were discovered requiring last minute re-finalizing and re-editing of earlier drafts resulting in the Opposition being filed 72 minutes after 11:00 Center Time and after midnight Eastern Time.

Because the delay was unintentional, and is being made for the purpose of undue delay, FieldTurf respectfully requests that the Court accept the Opposition despite its late filing by 72 minutes. Because a reply to the Opposition is not due until seven (7) days after service of the Opposition plus three (3) days pursuant to Fed. R. Civ. P. 6(e), there should be no prejudice to Defendant Sports Construction Group, LLC.

Respectfully submitted,

Date: September 28, 2007

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Attorneys for Plaintiffs
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CERTIFICATE OF SERVICE

I, Micheal D. Lake, hereby certify that on this 28th day of September 2007, a copy of the foregoing document entitled, **“FIELDTURF’S MOTION FOR LEAVE TO FILE LATE BY 72 MINUTES DOC. NO. 96”** was filed electronically via the Court’s ECF/CM System. Notice of this filing will be sent by operation of the Court’s electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court’s system.

s/ Micheal D. Lake
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